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Harry

PATENT

TECH CENTER 1600/2900A Attorney Docket No. 5552.0953-04

2-9-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mathias FIBI et al.

Serial No.: 08/897,441

Filed: July 21, 1997

For: *Erythropoietin (EPO) Peptides and
Antibodies Directed Against These*



Group Art Unit: 1642

Examiner: K. Canella

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO OFFICE ACTION

In response to the Office Action of November 8, 2000, Applicants request consideration of the following arguments.

REMARKS

Claims 5-7, 9-12, and 14-23 are pending. In the above-referenced Office Action, the Office maintains its rejection of claims 6, 7, 11, and 17-21 for obviousness-type double patenting in view of U.S. Patent No. 5,712,370. Applicants gratefully acknowledge the Office's withdrawal of all other rejections as set forth in Paper No. 12. In addition, the Office also newly rejects the pending claims under 35 U.S.C. § 112, second paragraph, and claims 5, 12, and 23 under 35 U.S.C. § 102(b). Applicants address each outstanding rejection under its respective statutory section below.

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